

**FINAL DECISION OF THE REGIONAL ADMINISTRATOR
PURSUANT TO SECTION 301(h) OF THE CLEAN WATER ACT AND
40 CFR PART 125, SUBPART G - APPROVING THE PUERTO RICO AQUEDUCT
AND SEWER AUTHORITY'S APPLICATION FOR A WAIVER FROM SECONDARY
TREATMENT REQUIREMENTS FOR THE AGUADILLA REGIONAL WASTEWATER
TREATMENT PLANT (NPDES PERMIT PR0023736)**

The United States Environmental Protection Agency (EPA) has reviewed the comments received during the public comment period for the proposed decision to approve the Puerto Rico Aqueduct and Sewer Authority's (PRASA's) application for modification of secondary treatment requirements pursuant to Section 301(h) of the Clean Water Act (CWA), 33 U.S.C. §1311(h), for the Aguadilla Regional Wastewater Treatment Plant (RWWTP). After thorough review of the comments, I am issuing this final decision to approve the Section 301(h) modification for the Aguadilla RWWTP and to issue a National Pollutant Discharge Elimination System (NPDES) Permit to this facility with the appropriate modifications to the plant's treatment requirements in accordance with Section 301(h) of the CWA and 40 Code of Federal Regulations (CFR) Part 125, Subpart G.

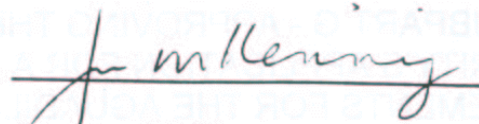
On August 21, 2000, the EPA public noticed the proposed decision to grant the 301(h) waiver along with the proposed NPDES Permit for this facility, NPDES number PR0023736, containing the modifications to secondary treatment requirements pursuant to Section 301(h) of the CWA and 40 CFR Part 125, Subpart G. The public hearing was held on September 21, 2000. The comment period on the proposed Aguadilla 301(h) decision and the permit closed on November 6, 2000. All comments received during the public comment period have been reviewed and considered in this final permit decision.

The basis for the decision to approve the 301(h) application and to issue the NPDES permit with modified treatment requirements is set forth in the administrative record compiled in these proceedings, including the August 2000 Decision Document titled "Analysis of the Section 301(h) Secondary Treatment Waiver Application for the Aguadilla Regional Wastewater Treatment Plant NPDES No. PR0023736 Puerto Rico" and the attached document titled "EPA's Response to Comments on Draft Aguadilla Regional Wastewater Treatment Plants NPDES permit (No. PR0023736) with Modified Secondary Treatment Requirements Pursuant to Section 301(h) of the Clean Water Act."

The NPDES permit shall be issued upon the date of my signature and shall become effective on April 1, 2003, unless a petition has been filed with the Environmental Appeals Board to review any condition of the permit decision pursuant to the provisions of 40 CFR 124.19. All contested conditions and any uncontested condition(s) that are inseverable from the contested conditions shall be stayed. All other conditions shall become effective thirty (30) days after the date of the notification specified in 40 CFR 124.16(a)(2)(ii). For purposes of judicial review under Section 509(b) of the Clean Water Act, final agency action on a permit does not occur unless and until a party has exhausted its administrative remedies under 40 CFR Part 124. Any party which

neglects or fails to seek review under 40 CFR 124.19, thereby waives its opportunity to exhaust available agency administrative remedies.

Dated: 19 Feb 03


Jane M. Kenny
Regional Administrator